

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA |) | COLLIER/CARTER |
| |) | |
| v. |) | CASE NO. 1:11-CR-56 |
| |) | |
| BILLY R. WOMAC |) | |

MODIFIED REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on September 20, 2011. At the hearing, defendant entered a plea of guilty to Count **Two** of the Indictment. There is no plea agreement in this case. On the basis of the record made at the hearing, I find that the defendant is fully capable and competent to enter an informed plea; that the plea is made knowingly and with full understanding of each of the rights waived by defendant; that it is made voluntarily and free from any force, threats, or promises, that the defendant understands the nature of the charge and penalties provided by law; and that the plea has a sufficient basis in fact.

I therefore recommend that defendant's plea of guilty to Count **Two** of the Indictment be accepted, that the Court adjudicate defendant guilty of the charges set forth in Count **Two** of the Indictment. I further recommend that defendant remain on bond pending sentencing in this matter. Acceptance of the plea, adjudication of guilt, and imposition of sentence are specifically reserved for the district judge.

This Modified Report and Recommendation is to replace the Report and Recommendation previously filed which indicated an error that the plea was to Count One (Doc. 20). I therefore RECOMMEND the Order adopting the Report and Recommendation (Doc. 21) be RESCINDED and the Court adopt this Modified Report and Recommendation.

The defendant's sentencing date is scheduled for **Thursday, January 12, 2012, at 9:00 am.**

S / *William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than fourteen days after the plea hearing. Failure to file objections within fourteen days constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. §636(b).